

Installing Consumer-Owned Antennas and Satellite Dishes

FCC Consumer Facts

Background

In 1996, the Federal Communications Commission (FCC) adopted rules for Over-the-Air-Reception Devices ("OTARD" rules). The OTARD rules prohibit restrictions on a property owner or tenant's right to install, maintain, or use an antenna to receive video programming from direct broadcast satellites (DBS), broadband radio services (formerly referred to as multichannel multipoint distribution services or MMDS), and television broadcast stations (TVBS). However, there are exceptions to the OTARD rules, including provisions for safety and preservation of historic areas.

The FCC later amended the OTARD rules to include exclusive use areas by renters and customer-end antennas that receive and transmit fixed wireless signals.

What Types of Antennas Are Covered Under the OTARD Rules?

The following antennas or dishes are covered by these rules:

- A "dish" antenna one meter (39.37 inches) or less in diameter (or any size dish if located in Alaska), designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite.
- An antenna that is one meter or less in diameter and is designed to receive video programming services via broadband radio service (wireless cable), or to receive or transmit fixed wireless signals other than via satellite.
- An antenna that is designed to receive local television broadcast signals.

Antennas used for AM/FM radio, amateur ("Ham") radio, CB radio, Digital Audio Radio Services ("DARS"), or antennas used as part of a hub to relay signals among multiple locations **are not** covered by these rules.

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What Types of Properties Are Covered?

Under the OTARD rules, an owner or a tenant has the right to install an antenna (that meets size limitations) on property that he owns or over which he has exclusive use or control. This includes single family homes, condominiums, cooperatives, townhomes, and manufactured homes. In the case of condominiums, cooperatives, and rental properties, the rules apply to "exclusive use" areas, like terraces, balconies, or patios. "Exclusive use" means an area of the property that only you and people you permit may enter and use. If the area is shared with others or accessible without your permission, it is not considered.

OTARD rules **do not** apply to common areas that are owned by a landlord, a community association, or jointly by condominium owners. These common areas may include the roof or exterior walls of a multiple dwelling unit. Under certain conditions, if a common antenna is available for use by residents, then the community association or landlord may reject or not permit the installation of an individually-owned antenna or satellite dish, provided the service and costs are the same.

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Are There Any Other Restrictions On Where I Can Install My Dish or Antenna?

Restrictions necessary to prevent damage to leased property are permissible, as long as the restrictions are reasonable. For example, a lease restriction that forbids tenants from drilling holes through exterior walls or through the roof is likely to be permissible.

An association, landlord, or local government may impose certain restrictions when safety is a concern or where a historic site is involved. An example of a safety restriction would be installing an antenna on a fire escape. Safety restrictions must be narrowly written so that they are no more burdensome than necessary to address a legitimate safety purpose.

Installation Requirements for Fixed Wireless Antennas that Receive and Transmit

The FCC requires fixed wireless antennas capable of receiving and transmitting voice and data services to meet certain guidelines regarding radiation exposure limits and environmental standards. Because of these guidelines, fixed wireless providers can require that their equipment be professionally installed.

For More Information

For more information about the OTARD rules and guidance on filing a petition or requesting a waiver, visit the FCC's Web site at:

www.fcc.gov/mb/facts/otard.html.

For general information on this and other telecommunications-related issues, you may contact the FCC's Consumer & Governmental Affairs Bureau in the following ways:

Internet at www.fcc.gov/cgb

Consumer Center:

1-888-CALL-FCC (1-888-225-5322) voice

1-888-TELL-FCC (1-888-835-5322) TTY

Mail:

Federal Communications Commission
Consumer & Governmental Affairs Bureau
445 12th Street, SW
Washington, DC 20554.

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For this or any other consumer publication in an accessible format (electronic ASCII text, Braille, large print, or audio), please write or call us at the address or phone number below, or send an e-mail to FCC504@fcc.gov.

To receive information on this and other FCC consumer topics through the Commission's electronic subscriber service, click on <http://www.fcc.gov/cgb/contacts/>.

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